

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL NO. 06-209-JD

**One Savage Arms Incorporated Model Mark II,
22 Caliber Rifle, Serial No. 0156002;**

**One Remington Model 870 Express Magnum, 12
Caliber Shotgun, Serial No. C247392M;**

One Colt 45 Caliber Pistol, Serial No. CV23182;

One Highpoint, Model C9 Pistol, Serial No. P1259346;

**One Walther, Model P22, 45 Caliber Pistol, Serial No.
N046868;**

**One Zastava, Model 70 7.65 mm Caliber Handgun,
Serial No. 249864**

Defendants-in-rem.

FINAL ORDER OF FORFEITURE

1. This action in rem was brought on June 2, 2006.
2. On August 30, 2006, the United States served a copy of the Verified Complaint, along with the Notice of Complaint, Summons and Warrant of Arrest in Rem, and ECF Notice on Theodore Brantley, through his attorney, Ray Raimo, Esquire.
3. A legal notice of this action in rem was published in the Manchester Union Leader on July 26, August 2, and August 9, 2006.

4. No claimant has come forward to claim the defendants in rem. The deadlines for filing any and all claims have elapsed. A claim by Theodore Brantley was due on September 29, 2006; and, claims based on notice by publication were due no later than September 8, 2006.

5. Pursuant to 18 U.S.C. § 922 (g)(3), it is “unlawful for any person who is an unlawful user of, or addicted to, any controlled substance, as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802), . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.” Under 18 U.S.C. § 924(d)(1), any firearm and ammunition involved in, or used in, any knowing violation of 18 U.S.C. § 922(g)(3), is subject to seizure and forfeiture to the United States. By reason of the facts set forth and incorporated herein, the United States has established in the Verified Complaint for Forfeiture In Rem that the defendants in rem One Savage Arms Incorporated Model Mark II, 22 Caliber Rifle, Serial No. 0156002; One Remington Model 870, Express Magnum, 12 Caliber Shotgun, Serial No. C247392M; One Colt 45 Caliber Pistol, Serial No. CV23182; One Highpoint, Model C9 Pistol, Serial No. P1259346; One Walther, Model P22, 45 Caliber Pistol, Serial No. N046868, and One Zastava, Model 70 7.65 mm Caliber Handgun, Serial No. 249864 are subject to forfeiture pursuant to 18 U.S.C. § 924(d).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. That all right, title and interest to the defendants in rem One Savage Arms Incorporated Model Mark II, 22 Caliber Rifle, Serial No. 0156002; One Remington Model 870, Express Magnum, 12 Caliber Shotgun, Serial No. C247392M; One Colt 45 Caliber Pistol, Serial No. CV23182; One Highpoint, Model C9 Pistol, Serial No. P1259346; One Walther, Model P22,

45 Caliber Pistol, Serial No. N046868, and One Zastava, Model 70 7.65 mm Caliber Handgun, Serial No. 249864 are hereby condemned, forfeited and vested in the United States of America pursuant to 18 U.S.C. § 924(d), free from the claims of any other party.

B. That the defendants in rem One Savage Arms Incorporated Model Mark II, 22 Caliber Rifle, Serial No. 0156002; One Remington Model 870, Express Magnum, 12 Caliber Shotgun, Serial No. C247392M; One Colt 45 Caliber Pistol, Serial No. CV23182; One Highpoint, Model C9 Pistol, Serial No. P1259346; One Walther, Model P22, 45 Caliber Pistol, Serial No. N046868, and One Zastava, Model 70 7.65 mm Caliber Handgun, Serial No. 249864, shall be disposed of by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives in accordance with the applicable law and regulations, from which amount the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives shall deduct its costs related to this proceeding. The proceeds, less any costs to the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives pertaining to the defendant in rem properties, shall be forfeited to the United States, pursuant to 18 U.S.C. § 924(d), free from the claims of any other party, and the proceeds shall be deposited into the Department of Justice Asset Forfeiture Fund in accordance with Title 28, United States Code, Section 524(c) and Title 21, U.S.C. § 881(e).

The Clerk is hereby directed to send six copies of this Order to the United States Attorney's Office, Attention: Assistant U.S. Attorney Robert J. Rabuck.

Dated: October 31, 2006

/s/ Joseph A. DiClerico, Jr.

UNITED STATES DISTRICT JUDGE